

P.L. 103-6, Approved March 4, 1993

The Emergency Unemployment Compensation Amendments of 1993.

Extends the EUC program through October 2, 1993. No new claims for EUC for weeks of unemployment beginning after October 2, 1993. No payment of EUC benefits to any individual for weeks of unemployment beginning after January 15, 1994.

Financing for the costs of the extension of EUC benefits is to be from general revenues.

Provides a similar extension for recipients of Railroad Unemployment Benefits.

Provides that the Secretary shall establish a program for encouraging the adoption and implementation of a system of profiling new claimants for regular unemployment compensation to identify which claimants are most likely to exhaust such benefits and who may be in need of reemployment assistance services to make a successful transition to new employment.

All direct spending amounts provided for in the Act are determined to be "emergency", thus no offsets under the provisions of the Balanced Budget and Emergency Deficit Control Act of 1985.

S. 96

To amend the Internal Revenue Code of 1986 and the Social Security Act to clarify the employment tax status of certain fisherman.

Mr. Kennedy (D-Massachusetts) for himself and Mr. Kerry, January 21, 1993.

This bill would amend section 3121(b)(20) of the Internal Revenue Code and section 210(a)(20) of the Social Security Act relating to services provided by certain members of fishing boat crews who normally are paid on a share of the catch basis and who are members of crews normally made up of fewer than 10 individuals. The bill would provide a legislative guideline as to the meaning of "normally" by adding "... if the average size of the operating crew on trips made during the preceding 4 calendar quarters consisted of fewer than 10 individuals."

The bill would further amend the above sections to permit certain cash remuneration, with respect to service performed on a boat, which (i) does not exceed \$100 per trip, (ii) is contingent on a minimum catch, and (iii) is paid solely for additional duties (such as mate, engineer, or cook) for which additional cash remuneration is traditional in the industry.

The bill would affect FUTA since section 3306(c)(18) excludes from the FUTA definition of employment, services "described in section 3121(b)(20)."

In general, the amendments made by this section shall apply to remuneration paid after December 31, 1993.

The bill provides for a "special rule" such that the amendments shall also apply to remuneration paid after December 31, 1984, and before January 1, 1994, unless the payor treated such remuneration (when paid) as being subject to tax under chapter 21 of the IRC of 1986.

NOTE:

A similar bill, H.R. 528, was introduced on January 21, by Mr. Neal (D-Mass) and Mr. Frank (D-Mass).

S.153 To amend the Internal Revenue Code of 1986 to provide that service performed for an elementary or secondary school operated primarily for religious purposes is exempt from the Federal unemployment tax.

Mr. Thurmond (R-S.C.) for himself. January 21, 1993.

Although the bill's title indicates that the purpose is to provide exemption to the Federal unemployment tax, such service is exempt under present law. S. 153 actually provides exemption to State law as explained below.

In order for its law to be approved under section 3304 of the Federal Unemployment Tax Act (FUTA), a State must provide coverage, with some exceptions. for service performed (1) for State or political subdivisions and (2) for religious charitable, educational or other organizations described in section 501(c)(3) which is exempt from income tax under 501(a). Such service is exempt from FUTA. S 153 adds a further exception to coverage which a State must provide. Specifically, the bill amends section 3309(b)(1) of FUTA to add as an exception services performed for "an elementary or secondary school which is operated primarily for religious purposes, which is described in section 501(c)(3), and which is exempt from tax under section 501(a)."

Effective for services performed after December 31, 1992.

NOTE: A similar bill, H.R. 828 was introduced on February 4, by Mr. Crane (R-Ill), with the exception that the amendment will be effective for services performed after December 31, 1993.

S. 320 To provide for certain reforms with respect to unemployment programs.

Mr. Wofford (D. Pa), February 4, 1993.

This bill would amend sections 3304(a)(8) and 3306 of FUTA to specify

that unemployment compensation shall not be denied or reduced for any week to individuals participating in a qualified self-employment program as defined under the new subsection (t) of 3306. The States will have the option of whether or not to participate.

Amendments made by this section shall apply to compensation paid for weeks beginning on or after January 1, 1993.

The bill also amends section 303 of the Social Security Act to specify new requirements with respect to early reemployment reviews of unemployed workers. Specifically the bill specifies that a State agency shall no later than the last day of the 5th week for which compensation is paid provide an early review of an individual's prospect for reemployment; provide training program staff to assist with reemployment services and provide them with the reemployment review information; provide follow up evaluation and assistance to individuals participating in the reemployment activities; and provide reemployment reviews and services to workers receiving notice of layoffs, or workers experiencing limited demand.

The bill would also amend section 303(a)(3) to provide that an opportunity for a fair hearing be extended to employers.

Amendments made by these two sections shall take effect 90 days after the enactment of this Act.

S. 391 To amend the Internal Revenue Code of 1986 to treat for unemployment compensation purposes Indian tribal governments the same as State or local units of government or as nonprofit organizations.

Mr. McCain (R-Ariz) for himself and Mr. Campbell, February 18, 1993.

The bill makes several amendments to the IRC of 1986 for the purpose of requiring the Federal government to treat federally recognized Indian tribal governments the same way Federal, State, local governments, and other organizations are treated with respect to unemployment compensation benefits and taxes.

Section 3306(c)(7) is amended to provide that employment for a tribal government or any political subdivision or wholly tribal owned subsidiary would be exempt from the 0.8% federal unemployment tax.

Section 3306 is also amended to add a new subsection (t) for the purpose of assigning "Indian tribe" the meaning given by 25 U.S.C. 450(b), and including any subdivision, subsidiary, or business enterprise chartered and wholly owned by such and Indian tribe.

The bill makes several amendments to section 3309 with respect to coverage of services performed for nonprofit organizations and/or governmental entities. Specifically the bill would extend to tribal governments the option of electing to pay either a flat tax rate (as do private, for-profit businesses), or make contributions on a reimbursable

basis, for all benefits paid to former employees. The amendments would also exempt tribal governments from all unemployment taxes with respect to: services performed by members of a State of political subdivision legislative body or judiciary; services designated by State law as policymaking or advisory; and service that is part of an unemployment work-relief or work training program assisted or financed in whole or in part by a tribal government.

The bill provides a transition rule preventing the collection of nonfederal funds from tribal governments who have not paid unemployment taxes, provided they reimburse a State fund for all UC benefits paid during the period taxes were not paid (effective for periods prior to the date of enactment of this bill).

H.R. 2 To establish national voter registration procedures for Federal elections, and for other purposes.

Mr. Swift (D. Wash.) for himself and 28 cosponsors. January 5, 1993.

This bill requires States, except those States without voter registration requirements for Presidential and Congressional elections, to establish procedures to register to vote in elections for Federal office-

- by personal applicator simultaneous with application for motor vehicle driver's license;
- by mail application; and
- by personal application at Federal, State or private sector locations designated as registration sites.

The unemployment compensation (UC) office is one of the offices designated as a registration site. UC offices would be required to provide the following services:

- distribute mail voter registration application forms;
- assist applicants in completing voter registration application forms; and
- accept completed voter registration application forms for transmittal to the appropriate State election official.

The bill does not provide funds for UC offices to provide these services.

Effective January 1, 1995. Exception: In a State that has a provision in the Constitution of the State that would preclude compliance with this act unless the State maintained separate Federal and State official lists of eligible voters, the effective date is January 1, 1996.

H.R. 13 To simplify certain provisions of the Internal Revenue Code of 1986.

Mr. Rostenkowski (D. Ill) January 5, 1993

Title IX of the bill includes administrative provisions designed to simplify the payment of employment taxes on domestic services.

The threshold requirement for social security taxes would be increased from \$50 to \$300 and payment of social security and Federal unemployment taxes would be on an annual, instead of a quarterly, basis.

As to collection of both FICA and FUTA taxes, the bill would coordinate collection with the collection of the individual income tax.

These provisions would apply only to employers who are not liable for any employment tax other than that related to domestic workers.

In addition, the bill would authorize the Secretary of Treasury to enter into an agreement with any State to collect, as agent of the State, the State's unemployment tax. Funds collected by Treasury under this provision would be deposited in the State's account in the Unemployment Trust Fund.

H.R. 106 To amend the Internal Revenue Code of 1986 to repeal the provision which includes unemployment compensation in income subject to tax.

Mr. Applegate (D-Ohio), January 5, 1993.

Would repeal those provisions of the Internal Revenue Code of 1986 which include unemployment compensation in income subject to tax (Section 85 of the IRC) and those provisions relating to returns relating to unemployment compensation (Section 6050B of the IRC).

The amendments made by this section shall apply to payments after December 31, 1990.

H.R. 525 To prevent States from reducing unemployment compensation benefits by certain remuneration for services in the military reserves.

Mr. Murphy (D-Penn), January 21, 1993.

Would amend Section 3304(a) to provide that unemployment compensation shall not be denied or reduced by reason of remuneration paid for services performed as a member of a reserve component (defined in section 101(24) of title 37, U.S.C.) to the extent such remuneration paid during any month does not exceed \$300.

Amendment made by this bill shall take effect on January 1, 1994.

NOTE: Provides a 'special rule' that specifies the amendment will take effect 30 calendar days after the 1st day on which a State legislature is in session on or after January 1, 1994, providing the legislature was not in session for at least 30 calendar days between the date of the enactment of this Act and January 1, 1994.

H.R. 526 To increase the number of weeks for which emergency unemployment compensation is payable.

Mr. Murtha (D. Pa.) January 21, 1993

This bill would amend section 102(b) of the Emergency Unemployment Compensation Act of 1991 to provide an additional 13 weeks of benefits to individuals receiving emergency unemployment compensation for any week beginning before June 13, 1992.

The bill would also amend section 274(n) of the Internal Revenue Code by decreasing from 80 percent to 70 percent that portion of meal and entertainment expenses allowable as a deduction.

The amendment would be effective on enactment.

NOTE: A similar bill, H.R. 714, was introduced on February 2 by Mr. Engel (D., N.Y.).

H.R. 773 To amend the Social Security Act to repeal provisions relating to the State enforcement of child support obligations.

Mr. Hyde (R. Ill.) February 3, 1993

Adds to Ch. 77 of the Internal Revenue Code a provision requiring the Secretary of the Treasury to establish a program to collect child support pursuant to child support orders. Amends Title IV of the Social Security Act accordingly.

The bill would repeal section 303(e) of the Social Security Act which requires a State agency to disclose information to State and local child support enforcement agencies and to deduct child support payments from unemployment benefits otherwise payable.

The amendments would take effect 2 years after date of enactment.

H.R. 842U To increase the number of weeks for which emergency unemployment compensation is payable.

Mrs. Kennelly (D. Conn.) February 4, 1993

Effective with respect to weeks beginning after the date of the enactment of the bill, section 102(b) of the Emergency Unemployment Compensation Act of 1991 would be amended to provide an additional 6 weeks of benefits to all EUC recipients.

The amendment would be effective on enactment.